

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

O I P E J C 2
SEP 1 3 1999
P A T E N T & T R A D E M A R K S
Title : Motor Operated Fast Food Service Window with Upwardly Focused
Proximity Detectors
----- CONTINUED PROSECUTION APPLICATION FILING -----

Inventors : Jason T. Epps, Dan L. Terry and Jackson G. Weaver

Serial No. : 09/004,803 § Examiner : Strimbu, G.

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Docket : MCES-0002-US § Art Unit : 3634

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, DC 20231, Express Mail label number **EL360180360US** on **August 3, 1999**.

Corey McGowan
Corey M. McGowan

**37 C.F.R. 1.132 DECLARATION OF CHERI ROELL
ESTABLISHMENT OF A LONG FELT NEED**

I, Cheri Roell, declare that:

1. I am a citizen of Franklin county, in the state of Ohio in the United States of America, and I reside at 1781 Birchfield Court, Powell, Ohio 43065.
2. Since approximately August 1992 I have been, and am currently, employed by Wendy's International, Incorporated.
3. My current position is Building Materials Specialist.
4. As a Building Material Specialist, my duties include interfacing with sales and marketing managers from different fast food service window manufacturers to develop operational specifications for fast food service windows purchased by Wendy's International and it's franchise community.

COPY

5. Over the past approximately seven (7) years, I have obtained a knowledge of the requirements indicated in paragraph 4 as would be expected of one of ordinary skill in the fast food service industry.
6. In 1998, Wendy's International had retail fast food restauraut sales in excess of \$4.5 Billion, approximately 55% of which was delivered to customers via fast food service windows.
- Because of the large volume of sales and the need for efficient customer service, there has been a long-felt need by Wendy's International for a fast food service window that automatically opens without generating too many false open and/or false close operations.
7. evidence 7
anyone but Wendy's
had this "need".
8. Fast food service windows using sensors oriented to project from the side and/or straight out and/or downward from the service window unit have been unsuccessful in meeting the needs of Wendy's International because they generate too many false open and false close operations.
9. evidence 7
Fast food service windows supplied by M.C.E. Systems Incorporated that use upwardly focused proximity detectors satisfy the long-felt need of Wendy's International for an automated fast food service window operating mechanism without the false open and false close operations associated with prior art fast food service window technology.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true. I declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Cheri Roell

Cheri Roell

Building Materials Specialist, Wendy's International

7-8-99

Date